

Amendment No. 1 to HB0880

Terry
Signature of Sponsor

AMEND Senate Bill No. 667*

House Bill No. 880

by deleting all language after the enacting clause and substituting:

SECTION 1.

(a)

(1) The department of health and its division of health related boards shall perform a study on the licensure and regulation of cannabis for medical use, including specific qualifying medical diseases and conditions, by the departments of health and medical professional licensing boards of states contiguous to Tennessee. The study must be conducted from the department's existing resources.

(2) The department shall report its and the division's findings from the study described in subdivision (a)(1) to the chair of the health committee of the house of representatives and the chair of the health and welfare committee of the senate no later than December 15, 2021.

(b)

(1) The department of health and its division of health related boards shall perform a study on the licensure and regulation of cannabis for medical use, including, as practicable, any positive or negative impacts of SECTION 2 on healthcare providers and patients. The study may include a survey of healthcare providers and patients. The study must be conducted from the department's existing resources.

(2) The department shall report its and the division's findings from the study described in subdivision (b)(1) to the chair of the health committee of the house of representatives and the chair of the health and welfare committee of the senate no later than December 15, 2024.

SECTION 2. Tennessee Code Annotated, Title 39, Chapter 17, Part 4, is amended by adding the following as a new section:

(a) As used in this section:

(1) "Bona fide practitioner-patient relationship" means a practitioner and patient have a treatment or consulting relationship, during the course of which the practitioner has completed an assessment of the patient's medical history and current medical disease or condition, including an appropriate examination and confirmation of the patient having a qualifying medical disease or condition;

(2) "Caregiver":

(A) Means an individual who is authorized by a qualified patient, or the qualified patient's legal representative, to lawfully obtain and possess medical marijuana on the qualified patient's behalf; and

(B) Includes a qualified patient's parent, legal guardian, conservator, or spouse;

(3) "Lawfully obtained" means, with respect to medical marijuana, that the medical marijuana was either:

(A) Purchased by a qualified patient, or the qualified patient's caregiver on behalf of the qualified patient, from a licensed medical marijuana dispensary outside of this state pursuant to and in accordance with the applicable laws of the other state; or

(B) Obtained by a qualified patient, or the qualified patient's caregiver on behalf of the qualified patient, through a medical or clinical research trial or study involving the medical use of cannabis that:

(i) Has been approved by the federal food and drug administration or the national institutes of health; or

(ii) Is being conducted by a university, medical school, pharmacy, or hospital;

(4) "Medical marijuana":

(A) Means cannabis or its derivatives that are lawfully obtained outside of this state; and

(B) Does not include cannabis that is in a form intended to be smoked or inhaled as vapor, including vape or vaporization pens or cartridges;

(5) "Paraphernalia":

(A) Means equipment, products, and materials that are used, intended for use, or designed for use in introducing medical marijuana into the human body; and

(B) Does not mean equipment, products, or materials that are used, intended for use, or designed for use in smoking, or inhaling as vapor, cannabis;

(6) "Practitioner" means a physician who is licensed to practice medicine in this state pursuant to title 63, chapter 6, or osteopathic medicine in this state pursuant to title 63, chapter 9;

(7) "Qualifying medical disease or condition" means:

(A) Alzheimer's disease;

(B) Amyotrophic lateral sclerosis (ALS);

(C) Cancer, when such disease is diagnosed as end stage or the treatment produces related wasting illness, recalcitrant nausea and vomiting, or pain;

(D) Inflammatory bowel disease, including Crohn's disease and ulcerative colitis;

(E) Epilepsy or seizures;

(F) Glaucoma;

(G) Multiple sclerosis;

(H) Parkinson's disease;

(I) Post-traumatic stress disorder;

(J) Human immunodeficiency virus (HIV) or acquired immunodeficiency syndrome (AIDS); or

(K) Sickle cell disease; and

(8) "Qualified patient" means a patient who has been qualified, certified, or otherwise authorized pursuant to laws outside of this state to purchase, possess, and consume medical marijuana for treatment of a medical disease or condition.

(b) Notwithstanding this part to the contrary, it is not an offense for an individual who is a qualified patient, or a qualified patient's authorized caregiver, to have in the individual's possession lawfully obtained medical marijuana, or paraphernalia designed to facilitate consumption of lawfully obtained medical marijuana, if:

(1) The individual is a qualified patient or a qualified patient's authorized caregiver;

(2) The qualified patient possesses a letter from a physician, with whom the patient has a bona fide practitioner-patient relationship, that:

(A) Attests that the patient has received conventional methods of treatment for the patient's qualifying medical disease or condition and those methods have insufficiently addressed the patient's disease, condition, or symptoms or that the patient is enrolled in a medical or

clinical trial or study described in subdivision (a)(3)(B)(i) or (a)(3)(B)(ii);

and

(B) Is signed and dated by the physician;

(3) The qualified patient, or qualified patient's caregiver, can produce documentation that the medical marijuana was lawfully obtained; and

(4)

(A) The qualified patient, or qualified patient's caregiver, possesses medical marijuana in one (1) or more of the following forms in a container with a manufacturer's label that is clearly marked as containing marijuana or one (1) or more cannabinoids and includes information regarding the number of doses or amount of marijuana or cannabinoids present in the product:

(i) Ointment;

(ii) Lotion;

(iii) Transdermal patch;

(iv) Suppository;

(v) Nasal, buccal, or sublingual spray;

(vi) Aerosol;

(vii) Tincture;

(viii) Oil; or

(ix) Capsule; and

(B) The amount of medical marijuana that is possessed does not exceed two thousand eight hundred milligrams (2,800 mg) of tetrahydrocannabinol.

(c)

(1) A letter that meets the requirements of subdivision (b)(2) is only valid for one (1) year. The validity of the letter expires one (1) year after the date on which the physician signs the letter.

(2) A physician who signs a letter as described in subdivision (b)(2) shall retain a copy of the completed, signed letter in the patient's medical record.

(d)

(1) This section does not affect a drug-free workplace program authorized by title 50, chapter 9, or an employer's authority to discipline or hire employees.

(2) Confidential patient information under this section must be maintained in conformity with standards established under the federal Health Insurance Portability and Accountability Act of 1996 (HIPAA) (42 U.S.C. § 1320d et seq.), and the rules and regulations promulgated by federal authorities in connection with HIPAA.

(3)

(1) A state or local law enforcement agency shall not use, or permit the use of, information regarding a qualified patient's possession or use of medical marijuana under this section to determine whether a person is authorized to purchase, transfer, possess, or carry a firearm under part 13 of this chapter.

(2) A qualified patient who possesses or uses medical marijuana pursuant to this section does not commit an offense under part 13 of this chapter, when purchasing, transferring, possessing, or carrying a firearm if the basis for the commission of the offense is the person's authorization to possess or use medical marijuana pursuant to this section.

(3) The prohibition on the use of public funds, personnel, or property to be allocated to enforce federal laws governing firearms under § 38-3-115 applies to persons acting in accordance with this section.

(4) A qualified patient who uses medical marijuana in a form listed in subdivision (b)(4)(A) remains subject to the prohibition against driving under the influence under § 55-10-401.

SECTION 3. This act takes effect upon becoming a law, the public welfare requiring it, and applies to conduct occurring on or after the effective date of this act.